



PLANNING COMMISSION STAFF REPORT JUNE 8, 2006

Project:	MISSION SPRINGS COMMUNITY CHURCH CUP- (PLN2006-00256)
Proposal:	To consider a Conditional Use Permit for a religious facility with up to 250 people within a portion of an existing building.
Recommendation:	Approve based on findings and subject to conditions.
Location:	48989 Milmont Drive in the Industrial Planning Area. APN 519-1010-033-00 (See aerial photo next page)
Area:	13,931 sf portion of an existing 28,125 sf building on a 1.47-acre lot
People:	Mike Neil, Applicant Paul C. Bunton, AIA; Bunton Clifford Associates; Architect Julie Brenner, Milmont Properties, Owner Joel Pullen, Staff Planner (510) 494-4436; jpullen@ci.fremont.ca.us
Environmental Review:	A Mitigated Negative Declaration has been prepared and circulated for this project
General Plan:	Restricted Industrial
Zoning:	Restricted Industrial (I-R)

EXECUTIVE SUMMARY:

Mission Springs Community Church is proposing to establish a religious facility for up to 250 people within an existing 13,931 square-foot facility at 48989 Milmont Drive. The church was previously located at 48835 Kato Road—approximately 1,000 feet east of the proposed site. Demolition of that building is currently underway. The church plans to expand from 150 upwards to 250 people for weekly services. The church is purchasing the property, which has two tenant spaces in the building, and would rent the other space to a user with different operational hours. The use is generally consistent with the General Plan and Zoning for a Restricted Industrial area, where religious facilities are allowed with a conditional use permit with appropriate conditions of approval.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES: North: Vacant industrial land
South: Existing industrial buildings
East: Existing industrial buildings across Milmont Drive
West: Existing industrial building

BACKGROUND AND PREVIOUS ACTIONS:

Mission Springs Community Church was established on June 22, 1986 when it met for the first time at James Leitch Elementary School. After meeting at the school for approximately a year and one-half, the congregation then relocated to the Warm Springs Community Center for two and one-half years before moving to its current location at 48835 Kato Road.

On December 12, 1991, the Planning Commission approved Use Permit U-91-20. Use permit U-91-20 had prompted adoption of Zoning Text Amendment ZT-91-2, which permitted religious facilities with a conditional use permit in industrial areas.

To achieve compliance with Housing Element Program 21 Implementation, several properties at the corner of Kato Road and Warm Springs Boulevard, including the site that the church currently leases, were redesignated from industrial to residential uses in 2004. Planned District P-2005-348, for 114 condominiums, was approved by City Council on March 7, 2006, and a demolition permit for the site is currently under review. Mission Springs Community Church, which averages approximately 175 people in the primary weekly service, was required to vacate the Kato Road facility on or before May 31, 2006.

PROJECT DESCRIPTION:

Mission Springs Community Church proposes to occupy approximately half of a 28,125 square foot existing industrial building. The church is purchasing the property, and plans to lease the other tenant space. Approximately 150 to 175 adults would attend ten o'clock services in the ~3,600 square foot sanctuary each Sunday morning, while the church would like to have the ability to expand up to 250 people at the proposed location. Young children would be cared for (only during Sunday morning services) in the proposed nursery, while older children would break off into a separate service in the area marked "Quest" on the site plan. Another church would continue to use the facility on Sunday afternoons under the terms of Mission Springs Community Church's use permit. During the week, limited office staff (6 workstations/offices are proposed) would have office hours between 10:30 a.m. and 7:00 p.m. There would be various weeknight uses as well between six and ten o'clock p.m., including rehearsals and prayer on Tuesdays, youth meetings on Wednesdays and Thursdays, and other occasional religious and administrative meetings.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Restricted Industrial. The proposed project is consistent with the existing General Plan land use designation for the project site because religious facilities are allowed in the industrial area as discretionary uses when compatible with the purpose of the industrial area. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

FUNDAMENTAL GOAL 8: A diversity of residential, recreational, cultural, employment and shopping opportunities

Analysis: Mission Springs Community Church represents one type of cultural facility offering worship services to the community.

Policy LU 3.2: ...Other uses may be allowed which achieve the intent of this Plan as described in the Goals and Objectives and other development policies.

Analysis: The proposed church has been analyzed in relation to parking requirements, effects on the roadway infrastructure, and potential operational conflicts. None are significant.

Zoning Regulations:

As set forth in Section 8-21503.1(l) of the Fremont Municipal Code (FMC), religious facilities are allowed in the Restricted Industrial district subject to a Conditional Use Permit when in conformance with the applicable provisions included in Article 21.3. Section 8-22145(b) of the Fremont Municipal Code requires that “religious facilities located within an industrial district...comply with the building and site standards of the specific district in which the development is occurring” when appropriate findings can be made. During environmental review, no potential impacts were identified related to odors, significant sound or vibration emissions, or other impacts.

Parking:

Per FMC 8-22003(b)h.1., eighty-four parking spaces are needed $[250 \text{ people}/3=83.3]$ for a religious facility with more than 150 seats that is not on an arterial. There are ninety parking spaces located onsite. These spaces are shared with the adjoining tenant space, which is presently vacant and will be owned by the church. Therefore, any tenant proposed for the adjacent space must show that their operating hours are sufficiently different that the total parking space usage would not exceed the available spaces onsite. Therefore, a condition is proposed that the church use permit extend to both tenant spaces to the extent that parking could be impacted (and for operational reasons described elsewhere). This joint use of parking may be permitted in accordance with FMC 8-22145(d) “if a finding can be made...that joint parking would not conflict with the needs of the other tenants within the same development.” The operational hours of the primary services are quite dissimilar from standard operational hours for other businesses in the vicinity.

Provision of an Enclosure for Refuse and Recycling:

In accordance with FMC Section 8-22155, the applicant must construct an enclosure for storage and waste collection of refuse and recyclable material in accordance with the City of Fremont’s Waste Handling Requirements. One parking space has been discounted from the above analysis in the area identified on the site plan in order to accommodate a new enclosure.

Design Analysis:

Circulation:

There are two driveways to and from Milmont Drive on the east of the property. Two-way circulation surrounds the building with ninety-degree parking spaces along the sides. The parking spaces and driveway on the north side of the building can be used in conformance with an easement granted to the subject property for such purposes. There are currently several gates located south and west of the building. These gates will be removed, and vehicular circulation will remain clear at all times. A

pedestrian walkway is provided adjacent to the front doors of the building. A condition is proposed that the applicant provide an accessible path from accessible parking spaces to meet Building Code Requirements.

Applicable Fees:

This project will not be subject to Citywide Development Impact Fees, as no fees are due for this use.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to health and safety of occupants because of the project's location in an industrial area. The Draft Mitigated Negative Declaration includes a mitigation measure that the building be outfitted with a dedicated ventilation shutdown system and have an emergency action plan reviewed and approved by the Fremont Fire Department. If implemented, this would reduce the identified impacts to non-significant levels. This mitigation measure has been included as a condition of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 18 public hearing notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 25, 2006. *The Argus* published a public hearing notice on May 25, 2006.

In addition, 110 notices were mailed to property owners and occupants within 1,000 feet.

ENCLOSURES:

Exhibits:

- Exhibit "A" Mitigated Negative Declaration
- Exhibit "B" Site Plan and Floor Plan
- Exhibit "C" Findings and Conditions of Approval

Informational Items:

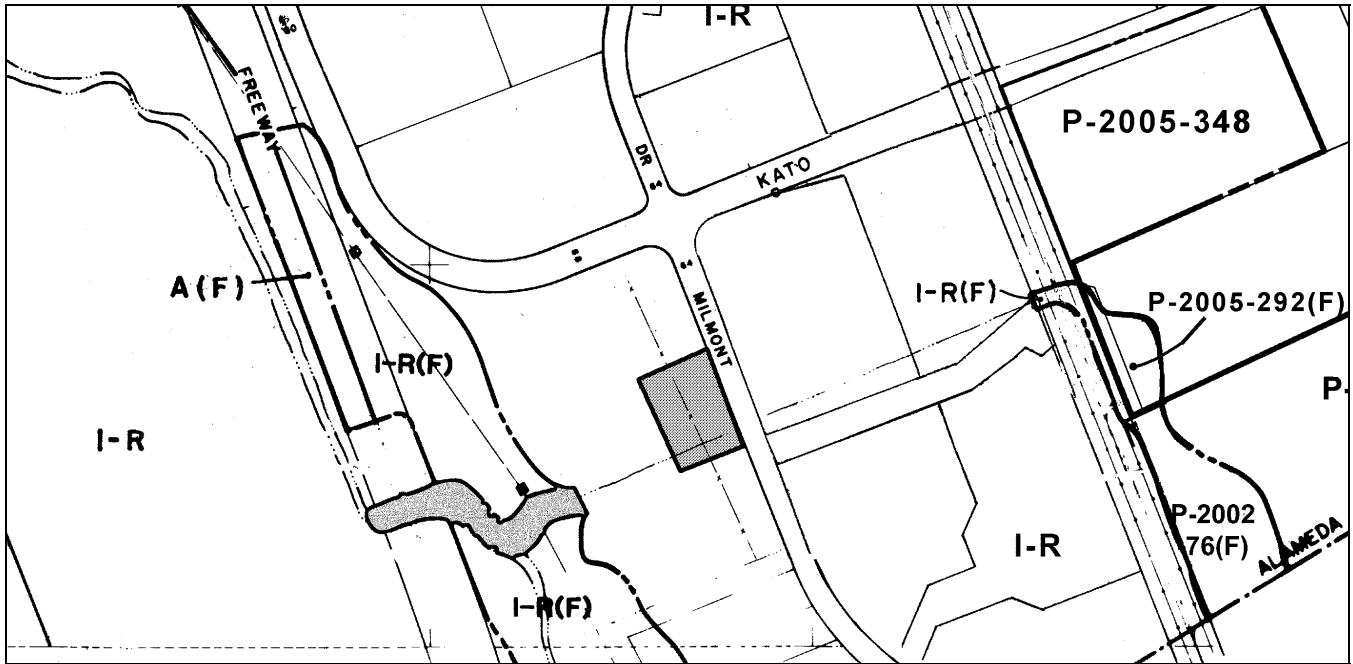
1. Initial Study

RECOMMENDATION:

1. Hold public hearing.
2. Find the initial study has evaluated the potential for this project to cause an adverse effect—individually or cumulatively—on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Adopt Mitigated Negative Declaration and find this action reflects the independent judgment of the City of Fremont.

4. Find Conditional Use Permit PLN2006-00256 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
5. Find the project conforms to the zoning regulations and standards set forth in the Restricted Industrial District as well as the Special Provisions and parking sections of the zoning code as described in the staff report.
6. Approve Conditional Use Permit PLN2006-00256, as shown on Exhibit "B", subject to findings and conditions on Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan



Exhibit “C”
Findings and Conditions of Approval for PLN2006-00256
Mission Springs Community Church Conditional Use Permit

Findings:

- a. The proposed use is consistent with the General Plan’s *Restricted Industrial* land use designation as well as the Fundamental Goals and land use policy LU-3.2 as enumerated within the staff report;
- b. The site is suitable and adequate for the proposed use because there is sufficient parking available in joint use with the adjacent tenant;
- c. The proposed use would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because all of these have been assessed in the initial study and have been found to be less than significant impacts;
- d. The proposed use would not have a substantial adverse economic effect on nearby uses because conditions of approval establish suitable operational parameters in which a church may operate without impacting the industrial community;
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the site is appropriate to accommodate onsite vehicular circulation and parking and the building is required to be upgraded to current building code standards for the proposed occupancy types. Residential development is not adjacent, but is located eastward across a train track approximately 1,000 feet away;
- f. The project, as discussed in the staff report’s Design Analysis section, is compatible with the existing and proposed development in the district and its surroundings because the existing building blends well with nearby development;
- g. No sound or vibration emitting from adjacent uses would have a substantial adverse impact upon the religious use;
- h. Sound or vibration from the activities associated with the activities associated with the proposed religious facility would not have a substantial adverse impact upon the existing and proposed development within the district and its surroundings because a condition is proposed that no sound associated with the religious facility be audible at the property line and that doors remain closed during music services;
- i. The religious facility will assume responsibility to implement the required mitigation measure related to provision of a dedicated ventilation shutdown system and preparation, approval and practice of an emergency action plan;

- j. The estimated effect of the proposed religious facility would not have a substantial adverse effect on traffic circulation, access, and parking of the industrial development because a study of traffic has shown a less than significant impact on the street system, there is adequate parking for the use, and a condition is proposed that parking be located only on the property in question with the additional tenant's parking only allowed at such times that the two uses would not conflict;
- k. The building proposed for use by the religious facility complies with the setbacks required for new religious facilities in industrial districts; and
- l. There are no odors or potential for odors that have been identified that would have an adverse impact upon the religious facility.

Conditions:

General Conditions:

- 1. The project shall conform to mitigation measures set forth in Exhibit "A."
- 2. The project shall conform with Exhibit "B," except as modified herein, and allow the use of the portion of the building shown for a religious facility subject to the operational limitations herein.
- 3. The project shall comply in all respects with applicable portions of the Fremont Municipal Code, State, and federal law, and as these may be amended.
- 4. Building and site improvement plans shall be submitted for review and approval prior to occupying the building.
- 5. Hours of operation shall be generally limited to Sunday morning and early afternoon hours for the primary services, weekday office hours of 10:30 a.m. to 7:00 p.m. with no more than six offices onsite, and limited weeknight activities (i.e. youth services, administrative meetings, and rehearsals) between 6 p.m. and 10 p.m.
- 6. Other religious facilities or organizations sharing space with Mission Springs Community Church must do so in accordance with the hours and conditions of approval of this conditional use permit.
- 7. The adjacent tenant space must be occupied by a tenant whose primary parking demand times do not conflict with the operational hours of the church.
- 8. Construction hours for exterior work will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:
 - a. Monday-Friday, 6 a.m. to 10 p.m.
 - b. Weekend & Holiday, 8 a.m. to 8 p.m.

9. This conditional use permit shall be subject to revocation or modification by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property.
 - c. The use has resulted in a substantial adverse impact on public facilities or services.

Building Department, Fire Department, and Hazardous Materials conditions:

10. The building shall comply with the applicable City-adopted building code occupancies, subject to review and approval of the Development Organization.
11. The facility, which is in Flood Zone A1 (EL 9), shall comply with the provisions of the City of Fremont's Flood Damage Prevention guidelines (FMC 8-8100 et seq.), subject to review of "substantial improvement" and any necessary studies identified by the City Engineer during Development Organization review.
12. Accessible path(s) shall be provided to and from any accessible parking spaces and building entrances as required by the locally-adopted building code, subject to review and approval during building permit review.
13. All work shall comply with the 2001 California Fire Code and the City of Fremont's Ordinance No. 2485, including provision of an adequate Automatic Fire Extinguishing System (fire sprinklers) applicable to the proposed occupancies.
14. The applicant shall have a key box (Knox Brand) located outside of buildings and provide keys to the Fire Department so that they may gain access.
15. The applicant shall submit an Emergency Action Plan, subject to review and approval of the Fire Department Hazardous Materials Unit, prior to occupancy. The Emergency Action Plan shall be maintained on an ongoing basis.
16. In accordance with FMC Section 8-21504.5(4), the applicant shall be required to execute and record an agreement with the City that adequately provides for limitation of any subsequent hazardous material users on the same site.

Environmental Services conditions:

17. A trash enclosure of a minimum size of 188 square feet shall be provided in the southwestern corner of the parking lot as shown on the amended site plan. The enclosure must meet the minimum requirements of FMC Section 8-22155, and of the City's Waste Handling & Recycling Requirements and policies. Because there will be food prepared on the property, the trash enclosure shall be roofed in compliance with Fremont's clean water requirements. Design of the enclosure shall be reviewed by the Development Organization to minimize loss of parking while maximizing screening and accessibility for collection vehicles.

18. The applicant is required to document construction and demolition debris resulting from this project. The City of Fremont Waste Handling Plan and Waste Disposal Report Forms must be filled out and submitted to Environmental Services before and after work on the project.

Police Department condition:

19. All entrances to parking areas shall be posted with appropriate signs per 22658 V.C. to assist in the removal of vehicles at the property owner's request.